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March 12, 2009

BY ELECTRONIC FILING
HON. William D. Wall
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *Evans v. Canon USA Inc.*, 08 CV 4329 (TCP)(WDW)

Your Honor:

I am one of the attorneys representing Plaintiffs in this case and write to request that the Court direct Defendants to answer Plaintiffs' Amended Complaint within 30 days and order the parties to appear before Your Honor for a Rule 16 conference at the Court's earliest convenience.

The original complaint in this action was filed on October 23, 2008. In the complaint, Plaintiffs Linda Evans, Eugene Solomon and Alvin Spiller alleged race discrimination claims against Defendants Canon USA Inc. and Canon Business Solutions Inc. on behalf of a class of African-American employees of Canon Business Solutions Inc.

Even before the filing of the complaint, Plaintiffs' attorneys were in discussions with counsel for the Defendants about potential resolution of the claims in the lawsuit. Counsel for both parties agreed to engage in mediation. As a result, Plaintiffs did not immediately serve the complaint on Defendants. Thereafter, parties had several in person and telephonic mediation sessions.

On February 10, 2009, Plaintiffs' counsel filed a First Amended Complaint naming an additional class representative, Kenisha Amar. Defendant's counsel, Joseph Hammell of Dorsey & Whitney, agreed to accept service and the First Amended Complaint was served on Defendants on February 12, 2009.

Unfortunately, it has become clear that the parties will not be able to resolve this dispute at this time. Given the delay that has resulted from the parties' mediation efforts, Plaintiffs believe that the case should now proceed as expeditiously as possible. Although Defendants'

answer to the First Amended Complaint was due on March 5, 2009, Plaintiffs do not seek a default judgment, but simply request that the Court direct Defendants to respond to the Amended Complaint by April 12, 2009. In addition, the parties have learned during the mediation process that there may be some significant disputes concerning the scope of discovery. Accordingly, Plaintiffs believe it would be helpful for Your Honor to schedule a Rule 16 conference as soon as practicable.

Plaintiffs are prepared to answer any questions that the Court may have at the Rule 16 conference or at an earlier proceeding at the Court's convenience.

Thank you for your attention to this matter.

Sincerely yours,

/s/

Jason L. Solotaroff

cc: Joseph Hammell, Esq. (by email)
Cyrus Mehri, Esq.